

ASSEMBLY BILL

No. 397

Introduced by Assembly Member Fox
(Coauthor: Senator Price)

February 15, 2013

An act to add Section 9956 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 397, as introduced, Fox. Vehicles: emergency contact locator database.

(1) Existing law imposes specified requirements on manufacturers of motor vehicles sold or leased in this state. A violation of the Vehicle Code is a crime.

This bill would enact the “Gilani Taylor Emergency Contact Locator Act of 2012” and would define the term “VIN# ECON database” as the national law enforcement vehicle identification number emergency contact locator database that may be established by this state, in conjunction with other states and law enforcement agencies.

This bill would require a motor vehicle manufacturer of a new motor vehicle sold or leased in this state on or after January 2, 2014, with a 2014 model year or later to provide a means by which a purchaser or lessee of a new motor vehicle can voluntarily designate at the original retail point of sale an emergency contact to be stored in the VIN# ECON database. The bill would require the emergency contact information to be made available electronically only to authorized law enforcement and would require law enforcement personnel, when practicable, to expeditiously notify the registered owner’s emergency contact, if a vehicle occupant is rendered unable to communicate due to physical

injury, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

The bill would also require a manufacturer of a new motor vehicle sold or leased in this state to establish a public awareness campaign, including listing access to the VIN# ECON database as a standard equipment specification on the new vehicle original window sticker. Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In 2009 more than 3,000 people in California died as a result
- 4 of car crashes, one person killed every two and one-half hours and
- 5 about one person injured every two minutes.
- 6 (b) Each year more than 241,873 people are injured in crashes
- 7 and collisions and about 4.9 percent of these are serious,
- 8 life-altering injuries.
- 9 (c) Contrary to popular belief, law enforcement does not have
- 10 immediate access to family contact information or next-of-kin data
- 11 following a car crash involving individuals who are unconscious
- 12 or unable to communicate, as, typically, on-scene law enforcement
- 13 resort to searching personal belongings, such as a wallet, driver's
- 14 license, glove compartment, or cell phone for leads to the identity
- 15 of a family member or next of kin.
- 16 (d) Meanwhile, hours elapse as family members are not notified
- 17 and crash victims enter the emergency health care system without
- 18 the benefit of family members to advocate on their behalf or

1 provide added-value information to enhance the medical care of
2 crash victims, as there is a national average of six hours' lack of
3 notice for in-state incidents and over two days' lack of notice for
4 out-of-state incidents.

5 (e) In 2008, a policy resolution entitled "Federated VIN#
6 Emergency Contact Registry (ECON) Initiative" was adopted by
7 the American Association of State Highway and Transportation
8 Officials' Standing Committee on Highway Traffic Safety
9 Subcommittee on Safety Management, with the support and
10 assistance of the Healthcare Information Technology Standards
11 Panel, the International Association of Chiefs of Police, the
12 International Association of Fire Chiefs, the National Association
13 of State EMS Officials, the International Association of
14 Public-Safety Communications Officials, and the Governors
15 Highway Safety Association.

16 (f) This policy resolution encourages states and automotive
17 manufacturers to collaborate and cooperate on the development
18 and deployment of a federated vehicle identification number
19 emergency contact registry, which is also known as VIN# ECON,
20 thereby improving postcrash care and survivability for crash
21 victims on our nation's roadways.

22 (g) A purchaser or lessee of a new motor vehicle in this state
23 should have the right to voluntarily designate at the original retail
24 point of sale an emergency contact to be stored in a national law
25 enforcement vehicle identification number emergency contact
26 locator (VIN# ECON) database to be utilized by law enforcement
27 if the motor vehicle is involved in an accident or other emergency
28 situation rendering the occupant unconscious or otherwise unable
29 to communicate with the contact person or persons.

30 (h) This act will assist law enforcement in expeditiously
31 notifying a designated emergency contact when the motor vehicle
32 is involved in an accident or other emergency situation rendering
33 the occupant unconscious or otherwise unable to communicate
34 with the contact person or persons.

35 SEC. 2. Section 9956 is added to the Vehicle Code, to read:

36 9956. (a) This section may be known and cited as the "Gilani
37 Taylor Emergency Contact Locator Act of 2013."

38 (b) For purposes of this section, "VIN# ECON database" means
39 the national law enforcement vehicle identification number
40 emergency contact locator database that may be established by

1 this state, in conjunction with other states and law enforcement
2 agencies.

3 (c) This section applies only to vehicles sold or leased in this
4 state on or after January 2, 2014, with a 2014 model year or later.

5 (d) (1) A motor vehicle manufacturer of a new motor vehicle
6 sold or leased in this state shall provide a means by which a
7 purchaser or lessee of a new motor vehicle can voluntarily
8 designate at original retail point of sale an emergency contact to
9 be stored in a VIN# ECON database that may be utilized by law
10 enforcement if the motor vehicle is involved in an accident or other
11 emergency situation rendering the occupant unconscious or
12 otherwise unable to communicate with the contact person or
13 persons. For purposes of this section, the emergency contact person
14 is not required to be the purchaser's or lessee's next of kin.

15 (2) The emergency contact information stored in the national
16 law enforcement emergency contact locator database pursuant to
17 this section shall be made available electronically only to
18 authorized law enforcement.

19 (3) If a vehicle occupant is rendered unable to communicate
20 due to physical injury, law enforcement personnel shall, when
21 practicable, expeditiously notify the registered owner's emergency
22 contact.

23 (4) Neither the law enforcement officer nor the law enforcement
24 agency that employs that law enforcement officer shall incur any
25 liability if the law enforcement officer is not able to make contact
26 with the designated emergency contact person.

27 (e) (1) A motor vehicle manufacturer shall make a good faith
28 effort to collect accurate data as provided by the purchaser or lessee
29 at the original retail point of sale and to provide that information
30 to the VIN# ECON database.

31 (2) The motor vehicle manufacturer is not liable for any
32 damages, costs, or expenses, including, but not limited to,
33 consequential damages, arising or resulting from any inaccurate
34 data or system unavailability.

35 (f) A manufacturer of a new motor vehicle sold or leased in this
36 state shall establish a public awareness campaign to educate new
37 vehicle purchasers or lessees of the importance of submitting the
38 name and phone number of an emergency contact to the VIN#
39 ECON database. The manufacturer may establish this public
40 awareness campaign individually or in conjunction with other

1 manufacturers. This public awareness campaign shall include, but
2 is not limited to, listing access to the VIN# ECON database as a
3 standard equipment specification on the new vehicle original
4 window sticker.

5 SEC. 3. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution for certain
7 costs that may be incurred by a local agency or school district
8 because, in that regard, this act creates a new crime or infraction,
9 eliminates a crime or infraction, or changes the penalty for a crime
10 or infraction, within the meaning of Section 17556 of the
11 Government Code, or changes the definition of a crime within the
12 meaning of Section 6 of Article XIII B of the California
13 Constitution.

14 However, if the Commission on State Mandates determines that
15 this act contains other costs mandated by the state, reimbursement
16 to local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.